THE HON'BLE MR. JUSTICE V.V.S. RAO

WEDNESDAY, THE 4th DAY OF JANUARY, 2006

W.P.No. 206 of 2006

Between:-

V. Seetaravamma and two others.

--Petitioners

And

The District Collector, Guntur and two others.

--Respondents

THE HON'BLE MR. JUSTICE V.V.S. RAO

W.P.No.206 of 2006

:O R D E R:

The petitioner Nos. 1 and 2 filed W.P.No. 27779 of 2005 seeking a writ of Mandamus declaring the action of the second respondent herein in demanding and threatening the petitioners to vacate their premises situate at Kothapeta, Vinukonda, Guntur district, as illegal and arbitrary. The said writ petition was opposed by the learned standing counsel for Municipality, Vinukonda, stating that as the petitioners encroached upon the municipal land, notices are being issued under Section 192 of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act'). Copies of the notices, in fact, were produced before the court. Therefore, on 28-12-2005, this court disposed of the said writ petition directing the second respondent herein to consider the explanation submitted by the petitioners and take appropriate action as per Section 192 and/or 194 of the Act. Again, alleging that on 31-12-2005 the second respondent came along with the staff and threatened to evict the petitioners by midnight of 02-01-2006, the present writ petition is filed on an apprehension that the structures/buildings of the petitioners would be demolished and they would be evicted forcibly.

This court heard the learned counsel for the petitioners, who reiterated various contentions as disclosed in the affidavit accompanying the writ petition, learned Assistant Government Pleader for Revenue and the learned standing counsel for the Municipality Mr. S. Nageswara Reddy.

Learned standing counsel for the Municipality submits that in obedience to the orders of this court, so as to verify the contention of the petitioners that they were granted pattas on 14-08-1989, the second respondent addressed the third respondent by letter Roc.No. 603/2005/G1 dated 30-12-2005 requesting to furnish details of such assignment, if any and that a reply is awaited from the third respondent. Learned standing counsel also denies that on 31-12-2005 the officials of the second respondent threatened the petitioners for demolition of structures.

As rightly submitted by the learned standing counsel for Municipality, the second respondent addressed the third respondent requesting for details of assignment made to the petitioners in 1989, when he is awaiting the reply from the third respondent, there is no possibility to infer that the second respondent is again trying to evict the petitioners forcibly. The writ petition, this court is convinced, is filed on mere apprehension. Within a period of a week, after the disposal of the earlier writ petition, the present writ petition is filed presumably with a view to stop the road widening programme taken up by the Vinokonda Municipality. The petitioners may have to await the orders that may be passed by the second respondent after receiving necessary information from the third respondent. In this writ petition, no relief can be granted to the petitioner.

The writ petition is accordingly disposed of. No costs.

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V.V.S. RAO, J

04-01-2006

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